



Davis Wright Tremain LLP

ANCHORAGE BELLEVUE CHARLOTTE HONOLULU LOS ANGELES NEW YORK
 PORTLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

JULIE KAMINSKI CORSIG
 DIRECT (202) 508-6628
 juliecorsig@dwt.com

SUITE 450
 1500 K STREET NW
 WASHINGTON, D.C. 20005-1262

TEL (202) 508-6600
 FAX (202) 508-6699
 www.dwt.com

July 25, 2002

By ECFS

Marlene H. Dortch
 Secretary
 Federal Communications Commission
 445 12th Street, S.W., TW-B204
 Washington, D.C. 20554

Re: **Ex parte presentation**
WC Docket No. 02-148: Application of Qwest Communications International, Inc.
To Provide In-Region, InterLATA Services in the States of Colorado, Idaho,
Iowa, Nebraska and North Dakota.

Dear Ms. Dortch:

On July 24, 2002, Dan Waggoner and Randy Lowe of Davis Wright Tremain LLP, Loubna W. Haddad of The Helein Law Group and John Fitzpatrick of Touch America, Inc. ("Touch America") met with Michael Carowitz, Pamela Megna, Ty Cottril, Leslie Selzer, Jon Minkoff, Kimberly Cook, Rodney McDonald, Michael Engel, Elizabeth Yockus and William Dever of the Wireline Competition Bureau, Bob Bentley, Mika Savir and Sharon Lee of the Enforcement Bureau and Cheryl Kornegay of the Media Bureau to discuss Touch America's comments in the above-referenced proceeding. Although under protest by Touch America, the following Qwest representatives were also present at the meeting and responded to the matters raised by Touch America: Dan Poole of Qwest and Peter Rohrbach and Jack Keeney of Hogan and Hartson.

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), and the Commission's Public Notice requesting comments in the above-referenced proceeding, DA 02-1390, issued June 13, 2002, attached please find a copy of the one-page summary of Touch America's comments, which was distributed by Touch America during the meeting.

During the meeting, Commisison staff requested information related to the Qwest databases that Qwest uses on behalf of Touch America. In response, attached please find a description of the Major Qwest OSS databases that Qwest uses on behalf of Touch America.

Marlene H. Dortch
Secretary
July 25, 2002
Page 2



Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Davis Wright Tremaine LLP

/s/

Julie Kaminski Corsig

cc (via e-mail):

M. Carowitz
E. Yockus
G. Remondino
M. Cohen
J. Jewel
P. Baker
C. Post
P. Fahn
B. Smith
P. Gray
J. Hundley
K. Brown
Pamela Megna
Ty Cottril
Leslie Selzer
Jon Minkoff
Kimberly Cook
Rodney McDonald
Michael Engel
William Dever
Bob Bentley
Mika Savir
Sharon Lee
Cheryl Kornegay
Peter Rohrbach

Touch America Strongly Opposes Qwest's 271 Application

As the FCC knows, Touch America has gained unparalleled insight into the workings of Qwest as a result of its attempted acquisition of Qwest's in-region, interLATA assets. Indeed, **Touch America has depended on the operational support systems of Qwest in much the same manner that CLECs must depend on Qwest.** Coupled with the fact that through the use of discriminatory "secret" agreements, Qwest has silenced the comments of parties who would otherwise be expected to also participate in this matter, **Touch America's experiences, therefore, make its response to Qwest's 271 application particularly valuable.**

Qwest fails to meet the requirements of 271's 14-point checklist. Although Qwest attempts to downplay the significance of any one failure to meet the performance metrics, it is clear that in total, they are substantial. For instance, a quick review of Qwest's Application shows that it was below the acceptable benchmark for 6 of the 14 checklist items totaling 46 disparities that range from failing to meet parity 25% to 100% of the time. Qwest also fails to provide non-discriminatory access to its databases. Moreover, Qwest's OSS has not been tested in a real world environment so there is no assurance that it will work or that it is scalable. Indeed, in some cases Qwest made changes to correct deficiencies but elected not to test them.

Of equal importance, **the Application is also against the public interest because Qwest is a "bad actor."** It is clear that not only does 271 require a public interest finding but under the Commission's interpretation of that requirement, it considers the behavior of the applicant as "predictive" of its "future truthfulness and reliability." Qwest has been in trouble before and Touch America does not expect the future to be any different. For instance, the Commission found Qwest to be in violation of 271 with regard to its 1-800-4USWEST and National Directory Assistance services. It also found that Qwest was violating 271 when it ruled in its *Teaming Order* that Qwest's bundling of in-region, interLATA services with US WEST's local exchange services was unlawful. Since then, the SEC has been formally investigating whether Qwest has engaged in accounting irregularities and most recently, Qwest is under investigation for possible criminal violations. Compounding this behavior, Qwest has entered into "secret" agreements with CLECs to buy off their objections to its Application through discriminatory interconnection arrangements and has made numerous misrepresentations to the Commission.

Qwest continues to violate 271. Under the guise of an IRU, Qwest sells in-region, interLATA services in the form of lit capacity, VoIP, "corporate communications" and VoATM. **Qwest also continues to violate 272** by providing preferential database access to its 272 affiliate, Qwest Communications Corporation, and buys lit and dark fiber from the affiliate that is not available to competitors.

Based on the forgoing, it is clear that not only has Qwest failed to meet the 14-point checklist but Qwest comes before the Commission with "dirty hands." Thus, **Qwest should not be rewarded by granting the Application.** Instead, the Commission should deny the Application and determine the nature and extent of Qwest's unlawful activities as well as conduct an independent audit to determine whether the conditions of the merger between Qwest and US West have occurred. In the event the Commission does grant the Application, it should first require Qwest to properly divest its in-region, interLATA assets and customers and condition Qwest's unlawful advantage by restricting its activities to "win back" customers and prohibiting superior access to information and surreptitious schemes. The Commission should also create an enforcement and audit team specifically assigned to monitor and prosecute any backsliding as well as imposing meaningful remedies. The Commission will thus assure itself that Qwest becomes truthful and reliable. Otherwise, and based on Touch America's first-hand experiences, Qwest will continue to act in a discriminatory and anti-competitive manner.

Major Qwest Operational Support Systems

Provisioning

Order Input Online System (“ORION”): ORION is the system used by provisioning personnel to establish new customer accounts and to add, modify or delete services to existing customer accounts. It is the source of data for PROD, CORE and F&E.

Facility & Equipment (“F&E”): F&E contains circuit inventory information including the origination and termination points of circuits, their unique location on the switch frame, and their provisioning history. (Note: Circuits above DS-3 are not handled by F&E but rather by TAPTOES, a TA legacy system). Orders to add, delete, and modify circuits are received into F&E from ORION. Network field technicians fill these orders by physically installing / de-installing circuits at switch locations. As they fulfill the orders, the technicians enter data into F&E, and certain information is provided back to ORION.

Customer Order Entry System (“CORE”): CORE is an order entry and workflow management system used by network operations management for the planning and monitoring of circuit installation by field technicians, and to provide information back to ORION for customer billing and account management purposes. CORE provides ORION and F&E with completed circuit installation, location, and billing information.

Account management / Customer care

PROD: PROD is the master customer account database. Customer account information in PROD is from ORION. PROD stores the pricing and account information used by LATIS to generate invoices, and PROD downloads and stores billing information from LATIS after invoices are generated. Additionally, PROD interfaces with ARMS (to provide accounts receivable information), BAM (to get billing adjustments), and CASPER (an interface used by account managers to view account information in PROD).

Customer Account Service Profile with Enhanced Reporting (“CASPER”): CASPER is the system used by account managers to query information about customer account and provisioning status, and billing status and history (including service detail) from PROD.

Trouble Management System (“TMS”): TMS is used by network operations and customer care personnel to establish and track trouble tickets (i.e., network problems to be fixed). Customer care personnel initially establish trouble tickets as customers call in; trouble tickets are then distributed to network operations personnel for resolution; and as problems are resolved, network operations personnel update TMS.

Network Trouble Management (“NTM”): Qwest replaced TMS with NTM sometime in late 2000. NTM essentially performs the same functions as TMS.

Billing and Collections

LCI Advanced Telecommunications Information System (“LATIS”): LATIS is the billing system used to generate invoices for Touch America customers. Usage information is pulled from two systems: Call Records Processing (“CRP”) for voice and Distributed Records Processing (“DRP”) for data. LATIS pulls pricing, circuit, and account information from PROD. After generating invoice data, LATIS provides the data to third-party fulfillment houses that print and distribute invoices. LATIS also generates electronic invoice information in ASCII and EMI format (EMI is generated using the “LEC Billing System”). LATIS also updates PROD.

Billing Adjustment Management (“BAM”): BAM is used by billing personnel to enter adjustments that are reflected on LATIS invoices. BAM is also used to monitor adjustment activity. As noted above, BAM data is fed to PROD, which is then fed to LATIS during the invoice generation process.

Accounts Receivable Management System (“ARMS”): ARMS is used by accounting personnel to collect and manage accounts receivable data and generate reports. As noted above, the source of ARMS is PROD.

Cognos Datamart: The datamart is a Qwest owned Oracle-based system developed by Cognos, a company. The Cognos Datamart pulls information from a number of systems including BAM, PROD, and traffic reporting systems, such as Metered Event Server (“MES”). Qwest billing personnel use data from Cognos Datamart to create PAR statements. They create PAR statements by manually entering data from Cognos Datamart into an Excel spreadsheet. The PAR statements contain MOU and dollar amounts due to TA from Qwest.